



The New York Times
Company

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July 23, 2025

VIA ECF

The Honorable Lewis A. Kapan
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *N.Y. Times Co. v. U.S. Off. of Pers. Mgmt.*, No. 25-cv-04193 (LAK)

Dear Judge Kaplan:

I am counsel for Plaintiff The New York Times Company (“The Times”) in the above-referenced action. I write on behalf of both The Times and Defendant U.S. Office of Personnel Management (“OPM”) pursuant to the Court’s Order Re: Scheduling and Pretrial Conference, dated May 21, 2025.

This is an action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, in which The Times seeks the release of certain documents by OPM, specifically, databases listing federal employees by month over a period of months beginning in December 2024, personnel actions taken by agencies in the same period, lists of probationary federal employees, and a designated report on the status of government employees. Because the parties do not anticipate that discovery will be needed, we respectfully request to be excused from filing the standard Consent Scheduling Order. As with most FOIA matters, the parties anticipate that any legal issues arising from the agency’s production will be resolved through cross-motions for summary judgment without discovery. *See, e.g., Wood v. FBI*, 432 F.3d 78, 85 (2d Cir. 2005); *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 812-13 (2d Cir. 1994)

No documents have yet been produced by OPM in response to The Times's FOIA request. However, the parties have met and conferred and agreed that OPM will make rolling productions of documents beginning on August 29, 2025, with productions to continue every 30 days thereafter until all non-exempt materials have been produced. Should that production not resolve the matter, the parties will propose a schedule for cross-motions for summary judgment at the conclusion of the production.

The parties respectfully request that the Court so order the agreed-to production schedule and further order that Joint Status Reports be submitted every 30 days beginning on September 15, 2025.

As the result of the parties' agreement, we do not believe the court conference scheduled for July 31, 2025 at 11:00 a.m. is needed.

We thank the Court for its attention to this matter.

Respectfully submitted,

David McCraw

David E. McCraw

cc: Dominika Tarczynska, AUSA